

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ZHU ZHAI HOLDINGS, LIMITED, and) No. 20 C 4985
PETER PUI TAK LEE,)
Plaintiffs,)
v.)
STEVEN IVANKOVICH,) October 28, 2020
Chicago, Illinois
9:50 a.m.
Defendant.) Telephonic Motion Hearing

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE SHARON JOHNSON COLEMAN

APPEARANCES:

For the Plaintiffs: QUINN EMANUEL URQUHART & SULLIVAN, LLP
865 South Figueroa Street
Suite 3000
Los Angeles, California 90017
BY: MR. WILL SEARS

QUINN EMANUEL URQUHART & SULLIVAN, LLP
1300 I Street, NW
Suite 900
Washington, DC 20005
BY: MR. TYLER WHITMER

For the Defendant: MR. STEVEN IVANKOVICH, Defendant

TRACEY DANA McCULLOUGH, CSR, RPR
Official Court Reporter
219 South Dearborn Street
Room 1232
Chicago, Illinois 60604
(312) 435-5570

1 THE CLERK: 20 CV 4985, Zhu Zhai Holdings, Limited
2 versus Ivankovich.

3 THE COURT: All right. There's plaintiff on the
4 phone.

5 MR. SEARS: Good morning.

6 THE COURT: Yes, go ahead.

7 MR. SEARS: Your Honor, good morning. This is, this
8 is Will Sears from Quinn Emanuel for the plaintiffs.

9 THE COURT: All right.

10 MR. SEARS: I believe Tyler Whitmer from Quinn
11 Emanuel is on the line as well.

12 THE COURT: All right. Can the person who's also on
13 the phone for this case state your name.

14 MR. IVANKOVICH: Hi. Judge Coleman, this is actually
15 the defendant Steve Ivankovich --

16 THE COURT: All right.

17 MR. IVANKOVICH: -- calling in personally without
18 counsel. I just found out about --

19 THE COURT: All right. Before you go on --

20 MR. IVANKOVICH: -- this hearing and this case --

21 THE COURT: Wait. Wait. Wait. Wait. One second.
22 I'll get right back to you, sir. Thank you. You're a part of
23 this case. You will be called on. I'm going back to the
24 plaintiffs' counsel. And you mentioned another name. We need
25 everyone to say their name so that the court reporter can have

1 the voices. I believe there was a second lawyer mentioned for
2 the counsel for the plaintiff on the line.

3 MR. WHITMER: Sorry, Your Honor. This is Tyler
4 Whitmer from Quinn Emanuel. Also on behalf of the plaintiffs
5 here.

6 THE COURT: All right.

7 MR. WHITMER: But Mr. Sears will be doing the
8 presentation today.

9 THE COURT: Thank you. All right. All right. So we
10 have the plaintiffs on the phone on this, and it sounds like we
11 have a pro se or individual defendant who's speaking up. Say
12 your name again, sir.

13 MR. IVANKOVICH: It's Steven Ivankovich.

14 THE COURT: All right. And, Mr. Ivankovich, you say
15 you don't have a lawyer?

16 MR. IVANKOVICH: I don't. I, I found out about the
17 case and the dial in from an e-mail from I believe the
18 gentleman on the other side. They claimed that I have been
19 served, but I haven't. So --

20 THE COURT: All right. So hold on a second. Hold on
21 a second. So when you said you got something in an e-mail, was
22 that yesterday?

23 MR. IVANKOVICH: It was yesterday, correct.

24 THE COURT: All right. So you haven't had a chance
25 to speak to them yet, is that correct?

1 MR. IVANKOVICH: Or even, even engage a lawyer.

2 THE COURT: All right. Hold on a second. Counsel,
3 what else were you going to ask for today? And then the Court
4 will make sure that you at least reach out to Mr. Ivankovich.
5 Plaintiff.

6 MR. SEARS: Yes, Your Honor. So this is before the
7 Court on a request for the entry of default. It's pending.
8 It's docket No. 11. We filed this complaint on August 24th.
9 Before we filed it, we sent an e-mail to Mr. Ivankovich. We
10 tried to reach out to a lawyer we thought might represent him.
11 We heard nothing back. Radio silence from the defendant. We
12 filed the complaint. We served it on September 1st. We
13 believe service was valid. We left it at a residence that we
14 understood he was staying in, left it with an individual that
15 we understood was his wife.

16 We filed that proof of service. No response from the
17 defendant within the 21 days provided for under Rule 12. We
18 waited another week to give it some time. Still no response,
19 so we filed our request for the entry of default under Rule 55
20 on October 2nd. As Mr. Ivankovich noted, we, we followed up
21 yesterday when we saw that he still hadn't entered an
22 appearance, and sent him a copy of our papers and the dial in
23 to this call via e-mail.

24 So the request before the Court is --

25 THE COURT: All right. Hold on --

1 MR. SEARS: I'm sorry, Your Honor. Bear with the
2 static.

3 THE COURT: Hold on a second. Hold on a second. All
4 right. Let's try, you said you sent him something after you
5 got -- you sent him the last order with the dial in
6 information, and that's how he's here today; is that correct?

7 MR. SEARS: That's correct.

8 THE COURT: All right. And --

9 MR. IVANKOVICH: That is correct, Your Honor.

10 THE COURT: But you did not get to speak -- you have
11 not spoken to him, is that right?

12 MR. SEARS: That's correct. As I mentioned, we
13 did -- we sent him an e-mail before we filed the complaint
14 after, I should note, reaching out to a lawyer that we thought
15 might represent him. That lawyer told us he didn't represent
16 Mr. Ivankovich, and we should communicate with him directly.

17 THE COURT: All right. Got you. All right. So, Mr.
18 Ivankovich, do you intend to have a lawyer in this matter?

19 MR. IVANKOVICH: I, I certainly do Your Honor.

20 THE COURT: All right. And if they were able to
21 contact you by the e-mail they contacted you -- that you
22 received yesterday, it appears that they had your correct
23 information to make contact with you.

24 MR. IVANKOVICH: Well, this is what's so strange
25 about them and I think they're -- it's disingenuous --

1 THE COURT: Okay. Wait a minute.

2 MR. IVANKOVICH: There is --

3 THE COURT: Wait. Wait. Excuse me, sir. We're not
4 going to use those types of adjectives right now. This is not
5 an ad -- I'm not doing adversarial by phone.

6 MR. IVANKOVICH: Oh.

7 THE COURT: I can't see. You've never been in my
8 courtroom. But terms like disingenuous or people are, you
9 know, wrongly treating you, that's not what we're dealing with
10 right now, and I'm not going to have that over the phone, okay?

11 MR. IVANKOVICH: Fair enough, Your Honor.

12 THE COURT: All right. So what we're -- what I want
13 to know is, you intend to pursue this. They have set forth
14 some basis for the Court to say, ah, what happened. And it's
15 on you to make sure you get in contact with them. But based on
16 your statements here, I'm going to not enter the default. What
17 I would do at this point is enter and continue it and give you
18 a chance to speak to them and follow up, and maybe you all can,
19 can reach a more polite status of the case as opposed to, you
20 know, throwing adjectives that are, are sort of out there. So
21 this is not, you know, TV court.

22 MR. IVANKOVICH: That, that -- that was my, that was
23 my intent, Your Honor. I'm, I'm confounded --

24 THE COURT: All right. State your name, state your
25 name again for the court reporter.

1 MR. IVANKOVICH: It's Steven Ivankovich.

2 THE COURT: All right. You just have to say your
3 name so she knows which male voice is talking. All right. Go
4 ahead.

5 MR. IVANKOVICH: I'm simply confounded why they
6 would -- the address of my residence is in our agreement. And
7 I'm, I'm confounded why they wouldn't attempt to serve those
8 papers at my residence in Chicago rather than a, a vacation
9 home in Florida where I'm not at. But that's okay. My, my
10 intention is to, you know, to review the complaint and engage a
11 lawyer that would reach out to, to plaintiffs to, you know, set
12 a briefing schedule.

13 THE COURT: Well, how long, how long is it going to
14 take you to get a lawyer?

15 MR. IVANKOVICH: That's a good question. I'm
16 actually sitting in the parking lot now in front of a doctor's
17 office. So I'm probably going to be able to engage counsel
18 next week. You know, I'm going to -- I'm going to have to --

19 THE COURT: So you want to get two weeks in order to
20 have counsel involved here that has to have an appearance on
21 file?

22 MR. IVANKOVICH: Yes, I'm sorry. Your Honor, your
23 line is a little garbled. Can you repeat what you just said.

24 THE COURT: Yes. I will give you 14 days in order to
25 get an appearance on file by your counsel. So that's two

1 weeks --

2 MR. IVANKOVICH: Great.

3 THE COURT: -- for the appearance. As to what else
4 happens with this as far as, you know, briefing schedules and
5 the like, we'll get your lawyer involved, and we'll go from
6 there. Right now I know there was a request -- the requested
7 entry of default for presentation today. It will be entered
8 and continued. I'm not going to strike it. It's still alive.
9 But if your counsel gets the appearance on file and makes a
10 motion to proceed in the case or take some other steps, I'll
11 consider those. All right?

12 MR. IVANKOVICH: Wonderful. Thank you very much,
13 Your Honor.

14 THE COURT: All right. Wait one second. And so
15 plaintiff you understand that the Court is entering --
16 continuing your default, not denying it?

17 MR. SEARS: Yes, we do, Your Honor. Thank you.

18 THE COURT: All right. So let's see what's going on
19 here. And, Yvette, two weeks.

20 MR. IVANKOVICH: Great.

21 THE COURT: One second, guys.

22 MR. SEARS: Thank you, Your Honor.

23 THE CLERK: The next court date will be November 17th
24 at 9:30.

25 THE COURT: November 17th at 9:30. All right. And

1 this will be the call in information. Look for the order. All
2 the information will be there. When counsel is representing a
3 client in a case, specifically for the defendant, that the
4 lawyer does the talking unless the Court makes specific
5 requests of the individual client. Understand, Mr. Ivankovich?

6 MR. IVANKOVICH: Absolutely.

7 THE COURT: All right. Thank you very much to all.
8 Be safe.

9 MR. IVANKOVICH: Likewise, Your Honor. Thank you
10 very much.

11 MR. WHITMER: Thank you, Your Honor.

12 MR. SEARS: Thank you, Your Honor.

13 THE COURT: Thank you, Counsel.

14 CERTIFICATE

15 I HEREBY CERTIFY that the foregoing is a true,
16 correct and complete transcript of the proceedings had at the
17 hearing of the aforementioned cause on the day and date hereof.

18
19 /s/TRACEY D. McCULLOUGH

October 31, 2020

20 Official Court Reporter
21 United States District Court
22 Northern District of Illinois
23 Eastern Division
24
25

Date